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NOTICE OF ALLOWANCE AND FEE(S) DUE

90156

7590

06/07/2010

John J. Oskorep, Esq. LLC
980 North Michigan Avenue, Suite 1400
One Magnificent Mile Center
Chicago, IL 60611

EXAMINER

NGUYEN, TUAN HOANG

ART UNIT

PAPER NUMBER

2618

DATE MAILED: 06/07/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,983	09/22/2003	Shahid R. Chaudry	0108-0222/US	1961

TITLE OF INVENTION: METHODS AND APPARATUS FOR PRIORITIZING VOICE CALL REQUESTS DURING DATA COMMUNICATION SESSIONS WITH A MOBILE DEVICE.

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/07/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

90156 7590 06/07/2010

John J. Oskorep, Esq. LLC
 980 North Michigan Avenue, Suite 1400
 One Magnificent Mile Center
 Chicago, IL 60611

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/07/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, TUAN HOANG	2618	455-512000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1073 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1073 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/667,983

Examiner

TUAN H. NGUYEN

Applicant(s)

CHAUDRY ET AL.

Art Unit

2618

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/19/2010.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Tuan H. Nguyen/
Examiner
Art Unit 2618

DETAILED ACTION

Response to Arguments

1. The amendment filed on 05/19/2010 is acknowledged and entered by the examiner.

Claim Status

2. Claims 1-33 are currently pending in the instant application. Claims 34-43 have been canceled.

Reasons for Allowance

3. Claims 1-33 allowed over the prior art record.
4. The following is an examiner's statement of reasons for allowance:

The applicant's remarks, filed on 05/19/2010, have been carefully reviewed with updated search. Consequently, reasons for allowance of claims 1-33 are set forth in according with the following:

Misra et al. (U.S PUB. 2004/0022209) teaches a Voice call Precedence Over Packet Data (VPOPD) technique which would allow a customer of a wireless communication network service provider to choose whether to receive a call during an active packet data session. The VPOPD technique is a method of call processing comprising the steps of setting a feature value to be used in call processing when an

associated mobile station has an active packet data session, and determining whether to reject a call termination request for the mobile station when the mobile station has an active packet data session using the feature value. The feature value may be set using a feature code transmitted from the mobile station, or provided by a service provider. If a determination to accept the call termination request is made, the following additional steps are performed: a message is sent to the mobile station to prevent race conditions from occurring, the mobile station is caused to enter a dormant state, and then the mobile is paged.

Mustafa (U.S. PUB. 2002/0087716) teaches a system and method are provided to simultaneously support a customized multi-priority services that can be used to transmit multi-priority data link layer frames to a destination host using a single or multiple communication links. The scheme does not require to have any pre-assigned bandwidth reservation policy to support multi-priority services on the link(s). The received frames from one or multiple links can be queued into multi-level services as such that the transmitting device, using customized implemented priority schemes, can control the transmission of the outgoing data-link frames on per byte basis. The system processor at the sending device reserves the full control of the link(s) entire bandwidth and has the ability to release and reassign the bandwidth in any byte proportion to the data-link frames of any service at any desired byte boundary. The transmission of any declared low priority data-link frame can be interrupted in real time 'on the fly' in order to relinquish the link bandwidth and network resources to any high priority data-link frame ready for transmission. The methodology of the presented scheme is very flexible

and can accommodate any number of multi-priority services on multi flavor data link frame environment. Also, the proposed method and system discloses a very unique and innovative technique that can be used to accommodate a diversity of data-link layer protocols simultaneously and concurrently over single or multiple physical layer communication links.

Consider claims 1-14, the prior arts made of record, alone or in combination, fails to clearly teach or fairly suggest a method for use by a mobile communication device in prioritizing voice call requests during data communication sessions, the method comprising: receiving, through a user interface of the mobile communication device, a voice call request for initiating a voice call from the mobile communication device while the mobile communication device is engaged in a connected data communication service, the connected data communication service involving an existing radio traffic channel established between the mobile communication device and a wireless communication network which is utilized for carrying user data of the connected data communication service; performing the following acts by the mobile communication device in response to the receiving of the voice call request during the connected data communication service: sending a release order to the wireless communication network for tearing down the existing radio traffic channel of the connected data communication service; and initiating voice call processing for establishing the voice call from the mobile communication device via the wireless communication network using a new radio traffic channel, in combination with other limitations, as specified in the independent claim 1, and further limitations of their respective dependent claims 2-14.

Consider claims 15-25, the prior arts made of record, alone or in combination, fails to clearly teach or fairly suggest a mobile communication device, comprising: a user interface; one or more processors coupled to the user interface; a wireless transceiver coupled to the one or more processors and adapted to communicate via a wireless communication network; the one or more processors being further operative to: operate the wireless transceiver for the communication of user data for a connected data communication service of the mobile communication device, the connected data communication service involving an existing radio traffic channel established between the mobile communication device and the wireless communication network which is utilized for carrying the user data; receive, through the user interface during the connected data communication service, a voice call request for initiating a voice call from the mobile communication device; in response to the receiving of the voice call request during the connected data communication service: send, via the wireless transceiver, a release order to the wireless communication network for tearing down the existing radio traffic channel of the connected data communication service; and initiate voice call processing for establishing, via the wireless communication network, the voice call from the mobile communication device with use of the wireless transceiver using a new radio traffic channel, in combination with other limitations, as specified in the independent claim 15, and further limitations of their respective dependent claims 16-25.

Consider claims 26-33, the prior arts made of record, alone or in combination, fails to clearly teach or fairly suggest a non-transitory computer program product;

comprising: a non-transitory computer storage medium; computer instructions stored on the non-transitory computer storage medium; the computer instructions being executable on a processor of a mobile communication device for: receiving, via a user interface of the mobile communication device, a voice call request for initiating a voice call from the mobile communication device while the mobile communication device is engaged in a connected data communication service, the connected data communication service involving an existing radio traffic channel established between the mobile communication device and a wireless communication network which is utilized for carrying user data of the connected data communication service; in response to the receiving of the voice call request during the connected data communication service: sending a release order to the wireless communication network for tearing down the existing radio traffic channel of the connected data communication service; and initiating voice call processing for establishing the voice call from the mobile communication device via the wireless communication network using a new radio traffic channel, in combination with other limitations, as specified in the independent claim 26, and further limitations of their respective dependent claims 27-33.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan H. Nguyen/
Examiner
Art Unit 2618